

REMARKS

This Amendment is submitted in response to the Office Action mailed on September 7, 2005. With this Amendment, claims 1, 2, 6, 17, 19, 20, 22, 33, 35, 37, and 39-41 are amended, and claims 18 and 34 are canceled.

Claim Rejections - 35 U.S.C. §102 and §103

In the Office Action claims 1, 4, 5, 7, 8, 17, 23 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Palmer (U.S. 6,402,771). Claims 1, 4, 7, 17 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Khairkhahan (U.S. 2002/0111647 A1). Also, claim 4 was rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over both Palmer and Khairkhahan, and claim 33 was rejected under 35 U.S.C. § 102(b) as being anticipated by Simon et al. (U.S. 5,836,968).

Additionally, in the Office Action claims 9-16 and 25-32 were allowed and claims 2, 3, 6, 18-22 and 34-41 were objected to but indicated as being allowable over the prior art of record.

Claims 17 has been amended to incorporate the subject matter of allowable claim 18 and claim 33 has been amended to incorporate the subject matter of allowable claim 34. Therefore, claims 17 and 33 are now allowable, as are dependant claims 19, 23 and 24 and dependent claims 35-41. Claims 2, 6, 20 and 22 have been rewritten in independent form and are now allowable, as are dependent claims 3, 4, 5, 7, 8 and 21.

Independent claim 1 has been amended to clarify that the invention is an occlusion device comprising: a left side having a first set of arms; a right side having a second set of arms, wherein the right side is spaced apart from and connected to the left side; and a self centering mechanism comprising at least three rings located between the left and right sides wherein: a first ring is connected to the left side; a second ring is connected to the first ring; and a third ring is connected to a second ring and to the right side.

As the Office Action acknowledges, the prior art of record, including Palmer, Khairkhahan, and Simon, fails to teach or render obvious the present invention as clarified. Therefore,

independent claims 1, 2, 6, 17, 20, 22 and 33 are not anticipated or obvious, and the rejections under §102(b) and/or 103(a) are overcome. Since claim 3 depends from claim 2; claims 4, 5, 7 and 8 depend from claim 1; claim 19, 23 and 24 depend from claim 17; claim 21 depends from claim 20; and claims 35-41 depend from claim 33; claims 3, 4, 5, 7, 8, 19, 23, 24, 21 and 35-41 are not anticipated or obvious.


With the above amendments and discussion, the application is now in condition for allowance, and notice to that effect is requested.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 12/6/05

By: 
David R. Fairbairn, Reg. No. 26,047
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

DRF:TDM

G:\DELANTYT\patfile\Cardia\C516.12-06\amendment nov 2005.wpd